

# 2717 SAN DIEGO



**BUILDING AND STANDARDS BOARD AGENDA ITEM #4 FOR  
WEDNESDAY, SEPTEMBER 25, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

MEMORANDUM  
September 19, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Hefner-Rodriguez, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 2717 San Diego Avenue, El Paso, Texas, 79903-3210

The following is a brief chronology of the investigation of the referenced location:

On June 26, 2013, a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structures located on said property are substandard, unfit for habitation or use, a hazard to the public health, safety and welfare, and that the structures are not in substantial compliance with the Municipal Ordinances regulating fire protection, structural integrity and disposal of refuse. On July 31, 2013 the Building and Standards Commission ordered the owner to properly fence and secure the property within thirty (30) days and maintain secure thereafter; and to clean the property within thirty (30) days and maintain clean thereafter. That the owner appear before this Panel and provide an Engineer's report to determine feasibility of structural repairs; and to determine if the Building and Standards Commission order dated June 26, 2013 and July 31, 2013 have been complied with and if not to determine penalties not to exceed \$1,000.00 per day. That the certificate of occupancy remains revoked. Certified notices of the public hearing scheduled for September 25, 2013, were mailed to the owners and all interested parties on September 5, 2013.

The owner has been notified of the property violations at this property and the need to comply with the orders stated above. To date, some corrective action has been taken, and therefore the Department recommends that it be found:

- 1) That the structures be demolished within thirty (30) days; and
- 2) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 3) Determine penalties not to exceed \$1,000.00 per day for noncompliance.
- 4) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division  
May 6, 2013

**NOTICE OF VIOLATION**

MIKE HERRERA  
4410 TROWBRIDGE DR  
EL PASO, TX 79903-1830

Re: 2717 SAN DIEGO AVE  
Blk: 35 MANHATTAN HEIGHTS  
Lot: 42 & 43 (6000 SQ FT)  
Zoned:C-4 SP  
ENHS13-00287  
91 7199 9991 7030 7901 7954

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.108.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.108.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**18.50.108.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**18.50.108.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **809 Myrtle Ave., El Paso, Texas, 79901** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- c. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- d. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Kevin D Harrell  
Building Inspector

## **NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **September, 2013** in the Council Chambers of City Hall, 300 N. Campbell St, 1<sup>st</sup> Floor, El Paso, Texas, 79901 the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the structures located on the property at **2717 San Diego Avenue**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lots 42 and 43, Block 35, MANHATTAN HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas.**

and which is subject to that certain Building and Standards Commission Orders dated **June 26, 2013 and July 31, 2013** have been brought into compliance with said Orders, and if not to determine penalties or if further action is required.

According to the real property records of the County of El Paso, Texas, Mike Herrera, 4410 Trowbridge Drive, El Paso, Texas 79903-1830, is listed as the owner of the real property described herein.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the commission.

If the Owner fails, neglects and refuses to comply with the order of the commission. Therefore, the City may pursue one, or more of the following actions:

- I. the City will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II. assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead and
- III. appoint a receiver as permitted by state law; and
- IV. any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, and other relevant records, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property including the name and last known address of the person who acquired the property or interest from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the property, even if you do not.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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John R. Batoon  
Assistant City Attorney

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Tom Maguire, C.B.O.  
Deputy Building Official  
Development Services Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 2717 San Diego Ave. was PUBLISHED in the official City newspaper on the \_\_\_\_day of\_\_\_\_\_, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 2717 San Diego Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mike Herrera  
4410 Trowbridge Drive  
El Paso, TX 79903-1830

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2717 San Diego Ave. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
300 N. Campbell  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2717 San Diego Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2717 San Diego Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2717 San Diego Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.  
500 E. San Antonio Avenue, Suite 105  
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2717 San Diego Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 2717 San Diego Ave., El Paso, Texas.

Date:

Time:

Inspector





# UNSAFE STRUCTURES REPORT

## CODE COMPLIANCE DIVISION

**DATE OF EXAMINATION:** May 1, 2013

**REP. DISTRICT:** 8

**ADDRESS:** 2717 San Diego Ave.

**ZONED:** R-3H

**LEGAL DESCRIPTION:** Lots 42 & 43, Blk "35" of the MANHATTAN HEIGHTS to the City of El Paso. El Paso County, Texas

**OWNER:** Mike Herrera

**ADDRESS:** 4410 Trowbridge Drive  
El Paso, Texas 79903

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** V

**FOOTINGS:** Rubble Stone w/mortar grout.

**CONDITION:** Unable to determine condition of all footings due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** Rubble stone w/mortar grout and concrete covering.

**CONDITION:** Poor. Fire Damaged, Missing rocks, disintegrating mortar grout, concrete covering is gone in several areas. Showing signs of deterioration due to lack of maintenance.

**FLOOR STRUCTURE:** 2 x 6 tongue and groove wood subfloor on top of 2 x 8 floor joist with some floor linoleum covering, carpet covering, and vinyl tile covering.

**CONDITION:** Poor. The wooden floor is non-existent because of the fire.

**EXTERIOR WALLS:** Brick Veneer with wood frame.

**HEIGHT:** 10'-12' +/-

**THICKNESS:** 8"-10" +/-

**CONDITION:** Poor. Brick veneer has fire damage and shows several structural cracks throughout the building. The fire damage has completely removed the wood frame exposing the brick veneer structure compromising the walls and structural integrity.

**INTERIOR WALLS & CEILINGS:** Wood frame walls & ceilings w/plaster veneer.

**CONDITION:** Poor. Walls & Ceiling are completely gone due to the fire, fire damaged exposed roof & ceiling assembly membranes on the patio. No Interior walls left due to fire damage.

**ROOF STRUCTURE:** Pitched roof with asphalt shingles.

**CONDITION:** Poor. The roof is non-existent and has collapsed due to fire damage. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.:** Wood framed doors and windows.

**CONDITION:** Poor. The doors and windows are non-existent, deteriorated and missing due to fire damage.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows, doors and window glass will need to be repaired or replaced to make them operational to meet minimum code requirements.

**PLUMBING:** Unknown

**CONDITION:** A licensed plumbing contractor should be hired to evaluate the plumbing system condition.

**ELECTRICAL:** Unknown

**CONDITON:** Unknown. A licensed electrical contractor should be hired to evaluate the electrical system condition.

**MECHANICAL:** Unknown

**CONDITION:** Unknown. A licensed mechanical contractor should be hired to evaluate the mechanical system condition.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** The open and abandoned single family dwelling was built in 1930. The structure was found open and dangerous to unwanted visitors. The structure is in an advanced state of disrepair. The brick veneer shows signs of structural failure. The ceiling system is in disrepair throughout the structure. There is trash, weeds and debris throughout the property. The division recommends that the structure be demolished within thirty (30) days. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Kevin D Harrell  
Building Inspector

# TAX REPORT

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

ORACLE

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents Go To:

EVAR  
ACT8006 v1.235 06/05/2013 18:16  
ACTEP

STATUS DETAIL Expand Fees Summary

**Account Information**

Account No. M056-999-0350-7300 Roll Code REAL PROPERTY

Certified Owner HERRERA MIKE

Parcel Address 2717 SAN DIEGO AVE

Amount Due as of 06/05/2013 CAD No. 327468

**Tax Units**

Tax Unit Description

List of Tax Units

1 3 6 7 8 8001

AG INCLUDED Remove Fees Countywide

**Tax Unit, Yr, Rec. Type**

Tax Unit Year Rec. Type

**Amount Due/Paid Information**

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$54,604					\$1,424.47	\$1,424.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$45,000					\$1,153.08	\$1,153.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$45,000					\$1,143.71	\$1,143.71	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$45,000					\$1,121.10	\$1,121.10	\$0.00	\$0.00	\$78.48	\$0.00	\$0.00
2008	\$45,000					\$1,124.46	\$1,124.46	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$69,561					\$1,752.33	\$1,752.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$59,647					\$1,726.30	\$1,726.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$44,744					\$1,397.09	\$1,397.09	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$43,536					\$1,352.33	\$1,352.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$20,683.79</b>	<b>\$20,683.79</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,958.51</b>	<b>\$0.00</b>	<b>\$0.00</b>

Last Payment Date

Last Payer

Alert

5:16 PM  
6/5/2013